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09/839,000	04/21/2001	Masahiro Nakano	50P4426	2737

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EXAMINER

FISH, JAMIESON W

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 12/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/839,000

Applicant(s)

NAKANO ET AL.

Examiner

Jamieson W. Fish

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09-26-2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed 09-26-2005 have been fully considered but they are not persuasive. The applicant argues (1) with respect to claim 1, that there is no suggestion in Greer et al. that only the updated portions of a Web page are downloaded (See Remarks Pg. 7 Paragraph 2); (2) with respect to claim 7, Nobakht et al. does not teach a consumer profile being used to tailor virtual channels (See Remarks Pg. 6 Paragraph 3); (3) with respect to claim 15, Nobakht et al. the identity of the virtual channels being established based at least in part on user profile information received from a user (See Remarks Pg. 6 Paragraph 3).

In response to argument (1), Greer et al. teaches where the change a web page undergoes is specified by a quotient value wherein 0.0 equals zero percent change and 1.0 equals 100 percent change (See Col. 3 lines 49-57). Greer et al. also teaches that the user can set the minimum quotient value for which the latest version of the webpage will be downloaded (See Col. 7 lines 20-33). Thus, if the user sets the minimum global quotient value for which the latest version of the webpage will be downloaded to 1.0, since 1.0 indicates all portions of the webpage have been updated, only updated portions of the webpage will be downloaded.

In response to argument (2), Nobakht teaches where channel are given different labels based on the user profile (See Fig. 3(A) and Col. 5 lines 63-67, Col. 6 lines 1-28). This is "a consumer profile being used to tailor virtual channels."

In response to argument (3), Nobakht teaches were users identify channels as either a favorite or as not a favorite (See Fig. 3(A) and Col. 5 lines 63-67, Col. 6 lines 1-28). This is "the identity of the virtual channels being established based at least in part on user profile information received from a user."

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 7-12, are rejected under 35 U.S.C. 102(e) as being unpatentable over Nobakht et al (US 6,745,223).
2. Regarding claim 7, Nobakht teaches an interactive television (ITV), comprising: a housing (See Fig. 1 Solid lines around Television 132 and Col. 4 lines 23-47); a television tuner in the housing (Televisions inherently have tuners in the housing); a microprocessor (See Fig. 2 CPU 210 and Col. 4 lines 48-67, Col. 5 lines 5-62); a user input device communicating with the microprocessor (See Fig. 2 Remote Control 202 and Col. 4 lines 48-67, Col. 5 lines 5-62); and a memory system communicating with the microprocessor, the memory system storing user data, the user data being at least partially based on signals received from the user input device, wherein the memory system further stores virtual channels displayable on the ITV and the microprocessor

accesses the memory system to display a virtual channel in response to user input, a consumer profile being used to tailor virtual channels (See Fig. 3A and Col. 5 lines 63-67, Col. 6 lines 1-28, Col. 12 lines 17-38).

3. Regarding claim 8, Nobakht further comprising a computer communication device connected to the microprocessor and to a computer network, the virtual channels in the memory system being updated in accordance with data received from the communication device (See Fig. 8 and Col. 14 lines 11-67, Col. 15 lines 1-67, Col. 16 lines 1-6).

4. Regarding claim 9, Nobakht teaches wherein the computer communication device is a modem (See Col. 5 lines 32-44).

5. Regarding claim 10, Nobakht teaches wherein the virtual channels are Web-based channels (See Col. 5 lines 63-67, Col. 6 lines 1-28).

6. Regarding claim 11, Nobakht teaches wherein the virtual channels are Web pages (See Col. 5 lines 63-67, Col. 6 lines 1-28).

7. Regarding claim 12, Nobakht teaches wherein the microprocessor is in the housing or in a set-top box separate from the housing (See Fig. 2 CPU 210 and Col. 4 lines 48-67, Col. 5 lines 5-62 Microprocessor 210 is in a set-top box). The USPTO considers the applicants "or" language to be anticipated by any reference containing any of the subsequent corresponding elements.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims **1, 3-4, 6, 15-20, 22** are rejected under 35 U.S.C. 103(a) as being unpatentable over Nobakht et al (US 6,745,223) in view of Greer et al (US 5,978,828).

9. Regarding claim **1**, Nobakht teaches an interactive television (ITV), comprising: a housing (See Fig. 1 Solid lines around Television 132 and Col. 4 lines 23-47); a television tuner in the housing (Televisions inherently have tuners in the housing); a microprocessor associated with the tuner (See Fig. 2 CPU 210 and Col. 4 lines 48-67, Col. 5 lines 5-62); a user input device communicating with the microprocessor (See Fig. 2 Remote Control 202 and Col. 4 lines 48-67, Col. 5 lines 5-62); a memory system communicating with the microprocessor (See Fig. 2, Flash 219 and Col. 4 lines 48-67, Col. 5 lines 5-62), the memory system storing user data and virtual channels, the user data being at least partially based on signals received from the user input device (See Col. 5 lines 63-67, Col. 6 lines 1-28); and a computer communication device connected to the microprocessor and to a computer network (See Fig. 2 Communications Port 217 Col. 4 lines 48-67, Col. 5 lines 5-62), the virtual channels in the memory system being updated in accordance with data received from the communication device, the virtual channels being established at least partially based on the user data (See Fig. 8 and Col. 14 lines 11-67, Col. 15 lines 1-67, Col. 16 lines 1-6), Nobakht fails to disclose wherein in the event of an update, only updated portions of the Web page corresponding to the virtual channel are downloaded. However, systems that store web pages in memory that have the capability of automatically detecting and downloading only updated

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portions of a stored web page are well known in the art as taught by Greer (See Col. 3 lines 14-23, 49-57, Col. 7 lines 20-67). Thus, in view of Greer it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Nobakht web pages where cached and that in the event of an update, only updated portions of the Web page corresponding to the virtual channel are downloaded in order to provide the user with the most updated information of a web page in cache (See Greer Col. 1 lines 10-47).

10. Regarding claim 3, Nobakht in view of Greer teaches wherein the virtual channels are Web pages (See Nobakht Col. 5 lines 63-67, Col. 6 lines 1-28).

11. Regarding claim 4, Nobakht in view of Greer teaches wherein the microprocessor is in the housing or in a set-top box separate from the housing (See Nobakht Fig. 2 CPU 210 and Col. 4 lines 48-67, Col. 5 lines 5-62 Microprocessor 210 is in a set-top box).

The USPTO considers the applicants "or" language to be anticipated by any reference containing any of the subsequent corresponding elements.

12. Regarding claim 6, Nobakht in view of Greer teaches the ITV further comprising an electronic channel guide displayed on the ITV, the virtual channels being listed by channel number and by name on the electronic channel guide (See Nobakht Col. 16 lines 7-26).

13. Regarding claim 15, Nobakht in view of Greer teaches an interactive television (ITV), comprising: a housing (See Fig. 1 Solid lines around Television 132 and Col. 4 lines 23-47); a television tuner in the housing (Televisions inherently have tuners in the housing); a microprocessor (See Fig. 2 CPU 210 and Col. 4 lines 48-67, Col. 5 lines 5-

62); a user input device communicating with the microprocessor (See Fig. 2 Remote Control 202 and Col. 4 lines 48-67, Col. 5 lines 5-62); a memory system communicating with the microprocessor, the memory system storing virtual channels (See Fig. 2, Flash 219 and Col. 4 lines 48-67, Col. 5 lines 5-67, Col. 6 lines 1-28); and a computer communication device connected to the microprocessor and to a computer network (See Fig. 2 Communications Port 217 Col. 4 lines 48-67, Col. 5 lines 5-62), the identity of the virtual channels being established based at least in part on user profile information received from a user (See Fig. 3(A) and Col. 5 lines 63-67, Col. 6 lines 1-28). Nobakht fails to disclose wherein the microprocessor, responsive to update information from a Web server associated with at least one virtual channel in the memory system, determines whether the memory system stores a latest version of the virtual channel and if so causes at least updated portions of a Web page associated with the virtual channel automatically to be downloaded. However, systems that store web pages in memory that have the capability of automatically detecting and downloading only updated portions of a stored web page are well known in the art as taught by Greer (See Col. 3 lines 14-23, 49-57, Col. 7 lines 20-67). Thus, in view of Greer it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Nobakht to have the microprocessor, responsive to update information from a Web server associated with at least one virtual channel in the memory system, determines whether the memory system stores a latest version of the virtual channel and if so causes at least updated portions of a Web page associated



with the virtual channel automatically to be downloaded in order to provide the user with the most updated information of a web page in cache (See Greer Col. 1 lines 10-47).

14. Regarding claim **16**, Nobakht in view of Greer teaches wherein the microprocessor accesses the memory system to display a virtual channel in response to user input (See Nobakht Col. 16 lines 7-26).

15. Regarding claim **17**, Nobakht in view of Greer teaches wherein the memory system stores user data, the user data being at least partially based on signals received from the user input device (See Nobakht Col. 5 lines 63-67, Col. 6 lines 1-28).

16. Regarding claim **18**, Nobakht in view of Greer teaches wherein the computer communication device is a modem (See Nobakht Col. 5 lines 32-44).

17. Regarding claim **19**, Nobakht in view of Greer teaches wherein the virtual channels are Web-based channels (See Nobakht Col. 5 lines 63-67, Col. 6 lines 1-28).

18. Regarding claim **20**, Nobakht in view of Greer teaches wherein the virtual channels are Web pages (See Nobakht Col. 5 lines 63-67, Col. 6 lines 1-28).

19. Regarding claim **22**, Nobakht in view of Greer further comprising an electronic channel guide displayed on the ITV, the virtual channels being listed by channel number and by name on the electronic channel guide (See Nobakht Col. 16 lines 7-26).

20. Claims **5**, **21** are rejected under 35 U.S.C. 103(a) as being unpatentable over Nobakht in view Greer and further in view of Norsworthy et al (US 6,144,402).

21. Regarding claim **5**, **21** Nobakht in view of Greer teaches a data bus connected to the microprocessor and memory (See Nobakht Fig. 2 and Col. 5 lines 5-62). Nobakht fails to disclose a data bus communicating with the microprocessor, memory system,

and TV tuner. However, data buses communicating with the microprocessor, memory system, and TV tuner are well known in the art as taught by Norsworthy (See Fig. 2 Bus 205 and Col. 7 lines 18-50). Thus, in view of Norsworthy, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Nobakht so that there was a data bus communicating with the microprocessor, memory system, and TV tuner to have basic components interconnected (See Norsworthy Col. 7 lines 34-40).

22. Claims **13-14**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Nobakht in view of Norsworthy et al (US 6,144,402).

23. Regarding claims **13**, Nobakht teaches a data bus connected to the microprocessor and memory (See Fig. 2 and Col. 5 lines 5-62). Nobakht fails to disclose a data bus communicating with the microprocessor, memory system, and TV tuner. However, data buses communicating with the microprocessor, memory system, and TV tuner are well known in the art as taught by Norsworthy (See Fig. 2 Bus 205 and Col. 7 lines 18-50). Thus, in view of Norsworthy, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Nobakht so that there was a data bus communicating with the microprocessor, memory system, and TV tuner to have basic components interconnected (See Norsworthy Col. 7 lines 34-40).

24. Regarding claim **14**, Nobakht modified with Norsworthy teaches the ITV further comprising an electronic channel guide displayed on the ITV, the virtual channels being listed by channel number and by name on the electronic channel guide (See Nobakht Col. 16 lines 7-26).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamieson W. Fish whose telephone number is 571-272-7307. The examiner can normally be reached on Monday-Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JF 12-01-2005

  
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